

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p><i>In re</i> application of: TODO, T. Appl. No. 10/594,962 §371 Date: 29 September 2006 For: <b>Method for Constructing Recombinant Herpes Simplex Virus</b></p>	<p>Art Unit: 1632 Examiner: HAMA, J. Atty. Docket: 042715-5023 Confirmation No.: 6716 Customer No.: 09629</p>
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**RESPONSE TO ELECTION OF SPECIES**

In response to the Election of Species Requirement of 3 February 2010, Applicants elect a virus comprising a nucleotide sequence that encodes a target protein. The elected species read on claims 1-11 and 21.

Applicants do not believe that any extensions of time are necessary to maintain the pendency of this application beyond what may be submitted herewith. If, however, any additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required, including fees for net addition of claims, are hereby authorized to be charged to Deposit Account No. 50-0310.

Should the Examiner believe that further discussion of any remaining issues would advance the prosecution, he or she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date 28 February 2010 \_\_\_\_\_ By /Todd B. Buck/ \_\_\_\_\_

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